

**RESOLUTION NO. 1830**

**A RESOLUTION OF THE TOWN OF SURFSIDE, FLORIDA ACCEPTING DELL FINANCIAL SERVICES LEASE PROPOSAL FOR THE LEASE OF CERTAIN COMPUTER EQUIPMENT IN THE AMOUNT OF FIFTY-THREE THOUSAND TWO HUNDRED AND FORTY-FOUR DOLLARS (\$53,244) OVER A THREE YEAR PERIOD; REAPPROPRIATING FUND BALANCE (RESERVES) FROM THE GENERAL, TOURIST, LIBRARY, WATER AND SEWER AND SOLID WASTE FUNDS; PROVIDING FOR IMPLEMENTATION OF LEASE AGREEMENT; AMENDING THE TOWN'S BUDGET FOR FISCAL YEAR 2007-2008 AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside ("Town") currently has an outdated network system which does not have a file backup tape drive in place to perform daily or full file network backups; and

**WHEREAS**, the Town Commission has determined that this is a critical issue for post disaster recovery and business continuity; and

**WHEREAS**, Dell Financial Services ("Dell") has proposed to lease equipment to the Town that will update the Town's outdated network system; and

**WHEREAS**, after conducting a good faith review of available sources, the Town Manager has recommended that, pursuant to Section 3-13(3) of the Town Code, it is in the Town's best interest to waive the competitive bidding procedures; and

**WHEREAS**, the Town Commission has determined that it is in the best interests of the Town to replace its network system and accept Dell's proposal attached hereto as Exhibit "A" (the "Proposal"); and

**WHEREAS**, pursuant to the Proposal the Town will incur a lease payment of approximately \$1479.02 per month on a three year (36 month) lease agreement or \$53,244.84 in total; and

**WHEREAS**, the lease agreement contemplated under the Proposal was not budgeted for Fiscal Year 2007-2008 and will require the appropriation of Fund Balance (reserves) from the General, Tourist, Library, Water & Sewer and Solid Waste funds for the period from May through September 2008 in the total amount of approximately \$7,395.10; and

**WHEREAS**, the remaining total of \$45,849.62 will be included as part of Fiscal Years 2008-2009 and 2009-2010 budget cycles; and

**WHEREAS**, in accordance with Section 62 of the Town Charter, the Town Commission may during the Fiscal Year make appropriation amendments to the Budget.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** That each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

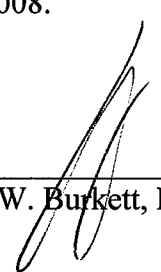
**Section 2. Agreement Approved.** That the Proposal, in substantially the form attached hereto as Exhibit "A", is hereby approved, and the Town Mayor is hereby authorized to execute an Agreement incorporating the terms of the Proposal with the vendor (the "Agreement"), on behalf of the Town, once approved as to form and legal sufficiency by the Town Attorney.

**Section 3. Budget Amendment.** In accordance with Section 62 of the Town Charter and the Budget adopted as Exhibit "A" of Resolution No. 07-1782 is amended as reflected in Exhibit "B".


**Section 4. Implementation.** That the Mayor and Town Manager are hereby authorized to take any and all action necessary to implement this Resolution and the Agreement in accordance with the terms, conditions and purposes of this Resolution and the Agreement.

**Section 5.**    **Effective Date.** That this Resolution shall be effective immediately upon adoption.

**PASSED** and **ADOPTED** on this 15<sup>th</sup> day of May, 2008.

  
\_\_\_\_\_  
Charles W. Burkett, Mayor

Attest:

  
\_\_\_\_\_  
Beatris M. Arguelles, CMC  
Town Clerk

**APPROVED AND TO FORM AND  
LEGAL SUFFICIENCY:**

  
\_\_\_\_\_  
Lynn M. Dannheisser, Town Attorney



**DELL FINANCIAL SERVICES LEASE PROPOSAL**  
**TOWN OF SURFSIDE**  
**April 25, 2008**

Thank you for the opportunity to provide leasing information to you on the proposed acquisition of Dell products. Dell Financial Services (DFS) is a leasing institution fully integrated into Dell Incorporated's systems and operations allowing you to benefit from one stop shopping for all your hardware, software, peripherals, service, support, and financing needs.

The lease quote provided below outlines the Tax Exempt Lease Purchase option. If the information does not meet your needs, please let us know and we will work with you to tailor a lease program that does.

Should the attached lease quote meet to your satisfaction, the next step is to provide financial information for credit approval and issue a purchase order for the equipment. Credit approval may require information including, but not limited to, the last two years of audited financial statements for review.

Once your order(s) is entered by your Dell Hardware Representative, we can begin credit approval and lease documentation process. It is the returned and signed lease contract that sends the orders into production.

If you have any questions or comments, please don't hesitate to call me at 800-955-3355 ext. 723-7225

Thank you for your interest in Dell Financial Services.

Sincerely,  
Jason Tran

Dell Financial Services

LEASE PROGRAM:		Tax Exempt Lease Purchase						
Dell Quote #	Equipment	Unit Price	Qty.	Total Amount Financed	Payment Frequency	Lease Term (months)	Lease Rate Factor	Lease Payments (In Advance)
421229557	E5410,PE2950III	\$8,008.46	1	\$8,008.46	Annual	36	0.35739	\$ 2,862.14
421230440	PVT LTO-3-060	\$2,909.39	1	\$2,909.39	Annual	36	0.35739	\$ 1,039.79
421228211	PE2410 SHORT RACK	\$2,601.00	1	\$2,601.00	Annual	36	0.35739	\$ 929.57
421233483	X3323,R300,2X3M	\$3,056.20	1	\$3,056.20	Annual	36	0.35739	\$ 1,092.26
421230834	PCT5448	\$735.50	1	\$735.50	Annual	36	0.35739	\$ 262.86
426897866	OPTI 755 DT	\$1,294.01	25	\$32,350.25	Annual	36	0.35739	\$ 11,561.66

**END OF LEASE OPTIONS:**

**Tax Exempt Lease Purchase**

**Upon completion of the base lease term are as follows:**

**1)Purchase the products at \$1.**

**FEES, TAXES, ETC:** The Lease Quote is **exclusive** of shipping costs, maintenance fees, filing fees, licensing fees, property or use taxes, insurance premiums and similar items which shall be for Lessee's account unless otherwise noted. Lessee will pay Payments and all other amounts without set-off, abatement or reduction for any reason whatsoever. Additionally, Lessee shall declare and pay all sales, use and personal property taxes to the appropriate taxing authorities should they not be stated and included in the lease. **If you are sales tax exempt, please fax a copy of your Exemption Certificate with the Lease Contract.**

**PURCHASE ORDER:** The Purchase Order will be made out to Dell Financial Services, L.P.. The Purchase Order will include the quote number, quantity and description of the equipment. Please be sure to indicate that the PO is for a lease order and shows the type of lease, the term length, and payment frequency. The date of the lease quote referenced should be included. Please be sure to include any applicable shipping costs as a line item. Please include your address as the SHIP TO destination. **Non-MLA customers must also include a \$75.00 documentation fee which may be financed or paid on the first rental invoice.**

**INSURANCE:** The risk of loss on the Equipment is borne solely by the Lessee. Lessee shall be required to purchase and maintain during the Term (i) comprehensive public liability insurance naming Lessor as additional insured; (ii) "all-risk" physical damage insurance in a minimum amount of the Purchase Price, naming Lessor as first loss payee; and, (iii) workmen's compensation insurance.

**DOCUMENTATION:** Duly executed Agreement and other appropriate documents, including, opinions of counsel, UCC financing statements, audited financials and such other documentation as is reasonably requested by Lessor.

**APPROPRIATION COVENANT:** The Lease shall contain an appropriation of funds clause. The Lessee will covenant that it shall do all things legally within its power to obtain and maintain funds from which the payments may be paid and Lessee will not give priority or parity in the application of funds to any functionally similar equipment.

**PROPOSAL VALIDITY/APPROVALS:** This is a proposal based upon current market conditions and **is valid for 30 days**, is subject to final credit approval, review of the economics of the transaction, and execution of mutually acceptable documentation.

**TOWN OF SURFSIDE  
BUDGET AMENDMENTS  
5/13/08 AGENDA ITEMS**

**AGENDA ITEM NAME**

AGENDA ITEM NAME						
		DELL		SUNGUARD		ACOM
		\$7,395.10		\$3,963.25		\$10,075.00
		ACCOUNT #	INCREASE (DECREASE)	INCREASE (DECREASE)	INCREASE (DECREASE)	
GENERAL FUND	EXECUTIVE	25%	\$1,848.78	\$990.81	\$2,518.75	
	POLICE	15%	\$1,109.27	\$594.49	\$1,511.25	
	PUBLIC WORKS	7%	\$517.66	\$277.43	\$705.25	
	RECREATION	7%	\$517.66	\$277.43	\$705.25	
	REAPPROPRIATED FUND BALANCE		(\$3,993.35)	(\$2,140.16)	(\$5,440.50)	
RESORT TAX FUND:						
MAINTENANCE & RENTAL CONTRACTS REAPPROPRIATED FUND BALANCE	5%	102-8000-552-4600	\$369.76	\$198.16	\$503.75	
		102-0000-392-0000	(\$369.76)	(\$198.16)	(\$503.75)	
LIBRARY FUND:						
MAINTENANCE & RENTAL CONTRACTS REAPPROPRIATED FUND BALANCE	5%	103-9000-571-4600	\$369.76	\$198.16	\$503.75	
		103-0000-392-0000	(\$369.76)	(\$198.16)	(\$503.75)	
WATER & SEWER FUND:						
MAINTENANCE & RENTAL CONTRACTS REAPPROPRIATED RETAINED EARNINGS	21%	401-9900-536-4600	\$1,552.97	\$832.28	\$2,115.75	
		401-0000-391-1000	(\$1,552.97)	(\$832.28)	(\$2,115.75)	
SOLID WASTE FUND:						
MAINTENANCE & RENTAL CONTRACTS REAPPROPRIATED RETAINED EARNINGS	15%	403-4000-534-4600	\$1,109.27	\$594.49	\$1,511.25	
		403-0000-364-0000	(\$1,109.27)	(\$594.49)	(\$1,511.25)	
TOTAL		100%	\$7,395.10	\$3,963.25	\$10,075.00	